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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/444,834    11/22/99    YONEDA

H    32405WG026

PM82/0605  
BEVERIDGE DEGRANDI WEILACHER & YOUNG  
1850 M STREET NW SUITE 800  
WASHINGTON DC 20036

EXAMINER
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PIPALA, E	
ART UNIT	PAPER NUMBER

3661  
DATE MAILED:

8  
06/05/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/444,834

Applicant(s)

Yoneda et al.

Examiner

Ed Pipala

Group Art Unit

3661

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE —3— MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 3/19/01 & 4/27/01
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-17 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-17 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3 sheets
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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### **DETAILED ACTION**

This Office action is in response to Applicant's IDS, supplemental prior art disclosures, and the Arguments filed 3/19/01 through 4/27/01.

#### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority based on an application 10-332672 filed in Japan on 11/24/98. It is noted, however, that applicant has not filed a certified copy of the Japanese application as required by 35 U.S.C. 119.

#### ***Drawings***

The drawings filed 1/12/2000 have been approved.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese patent document 5-185993.

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This document has been supplied by Applicant as part of an IDS statement, and is described in Applicant's "Description of the Related Art", wherein it is taught that JP-A 5-185993 discloses the dropping and automatic guidance of parafoil type vehicles, through a descent, to a predetermined landing destination site. Applicant acknowledges that the guidance apparatus of JP-A 5-185993 is used to judge the present traveling direction of such a guided flight vehicle with respect to three dimensional position coordinates, through the use of GPS, and that the descent of the vehicle is controlled with respect thereto. In lines 19-22 of applicant's own specification it is stated that JP-A 5-185993 also corrects its position and altitude even when the influence of wind is exerted upon the flight vehicle, and that its attitude can be quickly corrected.

### ***Response to Arguments***

Applicant's arguments filed 3/19/01 have been fully considered by the Examiner but they are not persuasive.

Applicant's arguments and comments appear to be directed for the most part to whether or not the Japanese prior art reference 185993 takes into consideration the wind direction, and then compensates therefore, as part of the automatic landing guidance for this parachute type vehicle. Applicant further seems to argue that the above ('993) reference fails to determine a landing/flight path, and implied that the accuracy of the '993 reference is lowered due to its failure to consider the influence of various wind levels.

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First of all, applicant's own admission on p. 2, ll. 19-22 clearly indicates that the '993 reference is indeed capable of correcting its position and attitude at all times, and "even when the influence of the wind is exerted". Furthermore, paragraph 0016 (of the partial translation) also teaches that the guidance device of reference '993 can quickly correct for the attitude and track on the basis of the position detected by the GPS, and the attitude sensed by the geomagnetic sensor at any time, even when the parachute is subjected to a cross wind while heading toward a drop position.

### *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Pipala whose telephone number is (703) 305-9785. The examiner can normally be reached on Monday through Thursday from 7:30 to 6:00.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Bill Cuchlinski, can be reached on (703) 308-3873. The fax phone number for this Group is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.


**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:** (703) 305-7687, (for formal communications intended for entry)

Hand-delivered responses should be brought to 5 Crystal Park, 2451 Crystal Drive, Arlington, VA.,  
Seventh Floor (Receptionist).

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